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Blaise Alexander

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EXAMINER

LIU, I JUNG

ART UNIT

PAPER NUMBER

3694

MAIL DATE

DELIVERY MODE

11/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/002,948

Applicant(s)

ALEXANDER ET AL.

Examiner

Marissa Liu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-27 are presented for examination. Applicant filed an amendment on 5/30/2007 canceling claims 28-31 and amending claims 1 and 4. Applicant's arguments, see remarks made in the amendment, filed on 5/30/2007, with respect to the rejection(s) of claim(s) 1-27 under 35 U.S.C. 102 and 35 U.S.C. have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of amendment.

Claim Objections

1. Claim 7 is objected to because of the following informalities: The term "NADA" in claim 7 is an abbreviation. Appropriate correction is required.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "capable" in claim 19 is vague and indefinite, it is unclear whether the device has to actually perform upon activation of rendering the vehicle operable for a predetermined period of time, the vehicle otherwise being inoperable with the installed device or not.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Clams 1, 8, 10-12, 18-19 are rejected under 35 U.S.C. 102(b) as being unpatentable by Robyn Meredith (PTO 892 reference U).

3. As per claim 1, Robyn teaches a method for leasing a motor vehicle to a credit challenged customer comprising the steps of:

selecting a vehicle based on predetermined financial criteria (§ 22-23, § 13, § 15 and § 18-19);

approving a lease for the vehicle (§ 1 and 5);

funding the lease (§ 1, 5, 8, 12 and 29);

selecting and installing into the vehicle a device capable upon activation of rendering the vehicle operable for a predetermined period of time, the vehicle otherwise being inoperable with the installed device (§ 1; § 4-5);

activating the device to render the vehicle operable for a predetermined lease period after receiving a predetermined lease payment from the customer for the predetermined lease period (§ 1; § 4-5).

delivering the vehicle to the customer (§ 1 and 3).

4. As per claim 8, Robyn teaches the method of claim 1 described above. Robyn further teaches the step of approving the lease is performed electronically (§ 1).

5. As per claim 10, Robyn teaches the method of claim 1 described above. Robyn further teaches including the step of tracking predetermined lease information by a microprocessor (§ 1; 5; 28).

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6. As per claim 11, Robyn teaches the method of claim 1 described above. Robyn further teaches including the step of transferring lease information to a third party wherein the third party tracks the lease and issues at least one predetermined lease schedule (§ 1; 5; 28).

7. As per claim 12, Robyn teaches the method of claim 1 described above. Robyn further teaches wherein the device capable upon activation of rendering the vehicle operable for a predetermined period of time comprises a device with a microprocessor connected to the vehicle's ignition system to prevent starting of the vehicle without a predetermined authorization (§ 1; 5; 28).

8. As per claim 18, please refer to claim 1 rejection described above.

9. As per claim 19, Robyn teaches a system for leasing a motor vehicle to a credit challenged consumer comprising:

a device capable upon activation of rendering the vehicle operable for a predetermined period of time, the vehicle otherwise being inoperable with the installed device (§ 1);

means for obtaining a funded lease for the vehicle (§ 4-5); and

a means for activating the device upon payment of a predetermined lease amount (§ 5).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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11. Claims 2-7, 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Robyn (PTO-892 reference U) in view of Official Notice.

12. As per claim 2, Robyn teaches the method of claim 1 described above. Robyn does not teach the step of funding the lease further includes the step of acquiring a line of credit. Official Notice is taken that the step of funding the lease further includes the step of acquiring a line of credit is old and well established in the business of funding lease for a motor vehicle. It would have been obvious to one having ordinary skill in the art at the time of the invention to have included the step of funding the lease further includes the step of acquiring a line of credit to the method for funding the lease.

13. As per claim 3 or 20, Robyn teaches the claim 2 described above. Robyn further teaches wherein the value of the line of credit is substantially equal to an amount of business anticipated during a predetermined period. Official Notice is taken that the line of credit is substantially equal to an amount of business anticipated is old and well established in the business of funding lease for a motor vehicle. It would have been obvious to one having ordinary skill in the art at the time of the invention to have included the step of funding the lease further includes the line of credit is substantially equal to an amount of business anticipated to the method for funding the lease.

14. As per claim 4, Robyn teaches the claim 1 described above. Robyn does not teach the predetermined financial criteria comprises the customer's need based on a dollar value per week lease payment the customer can afford. Official Notice is taken that the customer's need based on payment the customer can afford is old and well established in the business of funding lease for a motor vehicle. It would have been obvious to one having ordinary skill in the art at the

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time of the invention to have included the customer's need based on payment the customer can afford to the method for funding the lease.

15. As per claim 5, Robyn teaches the method of claim 1 described above. Robyn does not wherein the vehicle selected is selected from the group consisting of a current model year vehicle to a 5 model years old vehicle for a 36 month term lease; a 6 model years old vehicle to an 8 model years old vehicle for a 24 month term lease; and a 9 model years old vehicle to a 10 model years old vehicle for a 12 month term lease. Official Notices is taken that select vehicle model base on the leasing term is old and well established in the automobile leasing industry to assist the leasing company to select vehicle for its customer. It would have been obvious to one having ordinary skill in the art at the time of the invention to have included that select vehicle model base on the leasing term to the method for funding the lease.

16. As per claim 6, Robyn teaches the method of claim 1 described above. Robyn does not teach wherein the vehicle selected is selected from the group consisting of a vehicle with less than about 60,000 miles for a maximum 36 month lease term; a vehicle with about 60,000 miles to about 100,000 miles for a maximum 24 month lease term; and a vehicle with about 100,000 miles to about 130,000 miles for a maximum 12 month lease term. Official Notices is taken that select vehicle base on mileage or lease term is old and well established in the automobile leasing industry to assist the leasing company to select vehicle for its customer. It would have been obvious to one having ordinary skill in the art at the time of the invention to have included that select vehicle base on mileage or lease term to the method for funding the lease.

17. As per claim 7, Robyn teaches the method of claim 1 described above. Robyn does not teach wherein the lease has a maximum net capitalized cost no greater than 120% of current

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NADA retail value. Official Notices is taken that lease has a cost not greater than certain percentage of retail value is old and well established in the automobile leasing industry to assist the leasing company to select vehicle for its customer. It would have been obvious to one having ordinary skill in the art at the time of the invention to have included that lease has a cost not greater than certain percentage of retail value to the method for funding the lease.

18. As per claim 9, Robyn teaches the method of claim 1 described above. Robyn does not teach wherein the step of approving the lease is performed by a reviewer. Official Notices is taken that the step of approving the lease is performed by a reviewer is old and well established in the business of funding lease for a motor vehicle. It would have been obvious to one having ordinary skill in the art at the time of the invention to have included the step of approving the lease is performed by a reviewer the method for funding the lease.

19. Claims 21-22 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robyn (PTO-892 reference U).

20. With reference to claim 21, the specifics of the funding the lease and selected vehicle can be construed as non-functional descriptive material and are not functionally related to the method for leasing said selected vehicle. Said non-functional descriptive material is given little patentable weight. See *Gulack*, 703 F.2d at 1384, 217 USPQ at 403; see also *Diehr*, 450 U.S. at 191, 209 USPQ at 10.

21. As per claim 22, Robyn teaches the system of claim 21 described above. Robyn et al. further teaches wherein the device capable upon activation of rendering the vehicle operable for a predetermined period of time comprises a device with a microprocessor connected to the

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vehicle's ignition system to prevent starting of the vehicle without a predetermined authorization (paragraph 1, 11-12).

22. As per claim 25, Robyn teaches the system of claim 22 described above. Robyn further teaches wherein the activating means comprises:

entering into the microprocessor upon delivery of the vehicle to the customer a plurality of predetermined authorization codes, each of the codes upon activation rendering the vehicle operable for the predetermined period; supplying to the customer an authorization code for a paid predetermined period; and entering into the microprocessor the authorization code for the paid predetermined period, thereby rendering the vehicle operable for the predetermined period (paragraph 1, 11-12).

23. With reference to claim 26, the specifics of the lease term can be construed as non-functional descriptive material and are not functionally related to the method for leasing said selected vehicle. Said non-functional descriptive material is given little patentable weight. See *Gulack*, 703 F.2d at 1384, 217 USPQ at 403; see also *Diehr*, 450 U.S. at 191, 209 USPQ at 1

24. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robyn (PTO-892 reference U) in view of Simon et al., US Patent Number 6,195,648 (PTO-892 form B).

25. As claim 13, Robyn teaches the method of claim 1 described above. Robyn does not teach wherein the step of activating the device comprises transferring an authorization code selected from the group consisting of using a keypad, via radio waves and via a cellular telephone. Simon et al. further teaches wherein the step of activating the device comprises transferring an authorization code selected from the group consisting of using a keypad, via radio

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waves and via a cellular telephone (see column 7, lines 38-53, where “radio frequency” is equivalent of “radio wave” and column 10, lines 19-20).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add the step of activating the device feature to the method of Robyn because Simon teaches that adding the feature help to improve timely repayment of a loan (see column 2, lines 61-64 of Simon et al.).

26. As per claim 14, Robyn teaches the method of claim 13 described above. Robyn does not teach entering into the microprocessor upon delivery of the vehicle to the customer a plurality of predetermined authorization codes, each of the codes upon activation rendering the vehicle operable for the predetermined period; supplying to the customer the authorization code for a paid predetermined period; and entering into the microprocessor the authorization code for the paid predetermined period, thereby rendering the vehicle operable for the paid predetermined period.

Simon et al. further teaches wherein the step of activating the device to render the vehicle operable for the predetermined lease period comprises the steps of:

entering into the microprocessor upon delivery of the vehicle to the customer a plurality of predetermined authorization codes, each of the codes upon activation rendering the vehicle operable for the predetermined period; supplying to the customer the authorization code for a paid predetermined period; and entering into the microprocessor the authorization code for the paid predetermined period, thereby rendering the vehicle operable for the paid predetermined period (see abstract, column 1, line 62-column 2, line 55, and column 6, line 50-column 7, line 3).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add entering into the microprocessor upon delivery of the vehicle to the customer a plurality of predetermined authorization codes feature to the method of Robyn because Simon teaches that adding the feature help to improve timely repayment of a loan (see column 2, lines 61-64 of Simon et al.).

27. As per claim 15, Robyn and Simon et al. teach the method of claim 14 described above. Robyn further teaches wherein the paid predetermined period is a lease payment period (§ 1).

28. As per claim 16, Robyn and Simon et al. teach the method of claim 14 described above. Robyn does not teaches the plurality of predetermined authorization codes includes an emergency code for allowing the vehicle to be operated for a period of predetermined short duration in response to an emergency and a reset code for resetting a previously activated emergency code. Simon further teaches the plurality of predetermined authorization codes includes an emergency code for allowing the vehicle to be operated for a period of predetermined short duration in response to an emergency and a reset code for resetting a previously activated emergency code (see column 7, lines 18-53).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add the plurality of predetermined authorization codes includes an emergency code feature to the method of Robyn because Simon teaches that adding the feature help to improve timely repayment of a loan (see column 2, lines 61-64 of Simon et al.).

29. Claims 17 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robyn (PTO-892 reference U) in view of Donald Streit (PTO-892 reference V).

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30. As per claim 17, Robyn teaches the method of claim 1 described above. Robyn does not teaches the method further including the step of selecting and installing in the vehicle a device for tracking the vehicle selected from the group consisting of a Global Positional System device and a Radio Frequency Identification device. Donald teaches the method further including the step of selecting and installing in the vehicle a device for tracking the vehicle selected from the group consisting of a Global Positional System device and a Radio Frequency Identification device (see abstract).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add the step of selecting and installing in the vehicle a device for tracking the vehicle selected from the group consisting of a Global Positional System device and a Radio Frequency Identification device feature to the method for leasing a motor vehicle of Robyn because Donald teaches that adding the features help to track a vehicle (see abstract and column 2).

31. As per claim 23, Robyn teaches a system of claim 19 described above. Donald further teaches comprise a device for tracking the vehicle selected from the group consisting of a Global Positional System device and a Radio Frequency Identification device (see abstract).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add a device for tracking the vehicle selected from the group consisting of a Global Positional System device and a Radio Frequency Identification device feature to the system for leasing a motor vehicle of Simon et al. because Donald teaches that adding the features help to track a vehicle (see abstract and column 2).

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32. Claims 24 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robyn (PTO-892 reference U) in view of Simon et al. (PTO-892 reference B).

33. As per claim 24, Robyn teaches the system of claim 19 described above. Simon et al. further teaches wherein the means for activating the device includes transferring an authorization code selected from the group consisting of using a keypad, via radio waves and via a telephone (see column 7, lines 38-53 and column 10, lines 19-20).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add wherein the means for activating the device includes transferring an authorization code selected from the group consisting of using a keypad, via radio waves and via a telephone feature to the system for leasing a motor vehicle of Robyn. Because Simon teaches that adding the feature help to enable and disable equipment in response to receipt of loan payments (column 3, lines 1-3).

35. As per claim 27, Robyn teaches the system of claim 25 described above. Simon et al. further teaches wherein the plurality of predetermined authorization codes includes an emergency code for allowing the vehicle to be operated for a period of predetermined short duration in response to an emergency and a reset code for resetting a previously activated emergency code (see column 7, lines 18-37).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add an emergency code for allowing the vehicle to be operated for a period of predetermined short duration in response to an emergency and a reset code for resetting a previously activated emergency code to the system for leasing a motor vehicle of Robyn

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Because Simon teaches that adding the feature help to enable and disable equipment in response to receipt of loan payments (column 3, lines 1-3).

Response to Arguments

Applicant's arguments, see remarks made in the amendment, filed on 5/30/2007, with respect to the rejection(s) of claim(s) 1-27 under 35 U.S.C. 102 and 35 U.S.C. have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of amendment.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Liu whose telephone number is 571-270-1370. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on 571-272-6711. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M.L.



Stefanos Karmis